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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,817	12/16/2003	Patrick Nolan	061270-0889	2881

22428 7590 03/08/2005

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/735,817

Applicant(s)

NOLAN, PATRICK

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05052004; 12132004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

Applicant states in the response received December 13, 2004 on page 5 in ¶4 that

The Office Action states that the Information Disclosure Statement filed May 5, 2004 did not state that documents A4 and A5 were older than Applicant's filing date. Applicant has submitted a Supplemental Information Disclosure Statement with this Reply that states, "These buckles [of documents A4 and A5] came to the attention of applicant's assignee at a date presently undetermined, but not later than the effective filing date of the present application." Documents A4 and A5 from the May 5, 2004 Information Disclosure Statement have been renumbered as documents B1 and B2 in the Supplemental Information Disclosure Statement. Applicant requests that these documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The paragraph fails to provide a date for buckles shown in documents A4 and A5. Since applicant has failed to provide a date, the information shown in documents A4 and A5 is not considered. The paragraph only indicates that the buckles shown in documents A4 and A5 came to the attention of applicant's assignee either before or on the effective filing date of the present invention. Applicant has written the statement so that there is no date in this file for the buckles shown in documents A4 and A5 to indicate these documents have a date prior to the effective filing date of this application and based on applicant's statement it is unknown whether the buckles shown in documents A4 and A5 constitute prior art. Applicant makes similar statements with regard to the buckles shown in documents A4 and A5 in the information disclosure statement received September 13, 2004 in ¶3, "These buckles came to the attention of applicant's assignee at a date presently undetermined, but believed to be no later than the effective date of the present application" and with regard to the buckles identified as being in documents B1 and B2 in the information disclosure statement received December 13, 2004 in ¶3, "These buckles

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came to the attention of applicant's assignee at a date presently undetermined, but not later than the effective filing date of the present application". Neither of these statements provides a date for the buckles identified by documents A4, A5, B1 and B2 or a statement that the buckles of these documents constitute prior art.

The information disclosure statements filed May 5, 2004, September 13, 2004 and December 13, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the photograph exhibits A4 and A5, and the listing of B1 and B2 are undated and the accompanying statement in the information disclosure statement does not state that the exhibits are older than applicant's filing date so as to be considered prior art or are no older than applicant's filing date so as not to be considered prior art. Additionally, applicant there are no photographs filed December 13, 2004 identified as B1 and B2. They have been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claim 12 is rejected under 35 U.S.C. §102(b) as being clearly anticipated by Cheetham (GB 2286851).

Cheetham (figures 7-10) teaches a buckle assembly comprising: a buckle body 152 having first and second openings 153; first and second waist strap fasteners 166, each having a fastener coupling section 170, 172, 174 configured to couple to the respective openings of the buckle body, each also having a shoulder strap coupling section at the base of the arms 170 and guide stem 176 proximal the strap engaging loop; and first and second shoulder strap fasteners 164, each having a waist strap fastener coupling section 180 configured for fixedly coupling to the shoulder strap coupling section of the respective waist strap fastener when the fastener coupling section is coupled within the respective openings of the buckle body as shown in figures 7 and 10, wherein, when the first and second waist strap fasteners are decoupled from the buckle body, the first and second shoulder strap fasteners passively decouple from the first and second waist strap fasteners, respectively.

#### ***Response to Arguments***

Applicant's argument with respect to claim 12 is moot in view of the new ground of rejection.

#### ***Allowable Subject Matter***

Claims 1-11 allowed.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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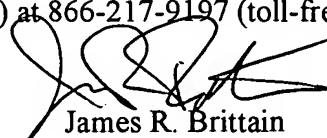
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB